

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY KUSTERMAN,

Defendant.

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No. 4:05-CR-418 CAS

MEMORANDUM AND ORDER

This matter is before the Court on defendant Timothy Kustermann's pro se Motion for Early Termination of Supervised Release. For the following reasons the motion will be denied.

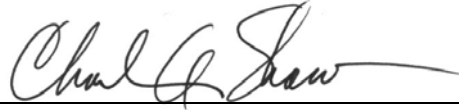
On December 8, 2005, Mr. Kustermann was sentenced to 90 months imprisonment and a 36-month term of supervised release on the charges of manufacturing methamphetamine, possession of chemicals and equipment used to manufacture methamphetamine, and possession of a firearm in furtherance of a drug crime, in violation of 18 U.S.C. §§ 841(a), 843(a) and 924(c). Mr. Kustermann completed his sentence and has been on supervised release since January 6, 2012. Defendant's supervised release is set to expire on January 5, 2015.

The United States Probation Office opposes the early termination of supervised release. Since being on supervision, Mr. Kustermann has tested positive of the use of marijuana on four separate occasions. He has also been unable to make his monthly restitution payments as ordered by the Court. The probation office believes that additional supervision is necessary to continue to monitor Mr. Kustermann's overall adjustment to the community.

The Court finds that Mr. Kustermann does not meet the criteria for early termination of his supervised release, and his motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that Timothy Kustermann's pro se Motion for Early Termination of Supervised Release is **DENIED**. [Doc. 47]

A handwritten signature in dark ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of July, 2014.